

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 381

Short Title: Checking Station Pattern Selection. (Public)

Sponsors: Representative Torbett (Primary Sponsor).
 For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

March 17, 2011

A BILL TO BE ENTITLED
AN ACT TO PREVENT LAW ENFORCEMENT AGENCIES FROM ESTABLISHING
PATTERNS FOR VEHICLE STOPS AT CHECKING STATIONS BASED ON A
PARTICULAR TYPE OF VEHICLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-16.3A(a) reads as rewritten:

"(a) A law-enforcement agency may conduct checking stations to determine compliance with the provisions of this Chapter. If the agency is conducting a checking station for the purposes of determining compliance with this Chapter, it must:

...

(2) Designate in advance the pattern both for stopping vehicles and for requesting drivers that are stopped to produce drivers license, registration, or insurance information. A pattern designated by a law enforcement agency pursuant to this subdivision shall not be based on a particular vehicle type.

(2a) Operate under a written policy that provides guidelines for the pattern, which need not be in writing. The policy may be either the agency's own policy, or if the agency does not have a written policy, it may be the policy of another law enforcement agency, and may include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated, but no individual officer may be given discretion as to which vehicle is stopped or, of the vehicles stopped, which driver is requested to produce drivers license, registration, or insurance information. If officers of a law enforcement agency are operating under another agency's policy, it must be stated in writing. A written policy that provides a law enforcement agency guidelines for a pattern of stopping vehicles or for requesting drivers to produce a drivers license, registration, or insurance information established pursuant to this subdivision shall not authorize a pattern that is based on a particular vehicle type.

...."

SECTION 2. This act is effective when it becomes law. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

